

REMARKS/ARGUMENTS

This Amendment is in response to the final Office Action of May 17, 2006, in which the Examiner (1) rejected claims 18-28 and 38-44 as being unpatentable over U.S. Patent Publication No. 2002/0095333 (“**Hudda**”), in view of U.S. Patent No. 6,584,448 (“**Laor**”), and in further view of U.S. Patent Publication No. 2002/0138372 (“**Ludtke**”).

Applicants have not amended the claims, but respectfully request that the Examiner reconsider the rejection in view of the remarks herein.

Applicants’ invention, as embodied in amended method claim 18, is directed to a method for a facility communication system in a commercial establishment to provide a targeted electronic communication to a user entering the establishment and having a personal wireless device. The method includes the steps of storing user specific information in a storage location, providing the personal wireless device with a transceiver device, recognizing the presence of the personal wireless device transceiver *when the user enters the establishment* and the personal wireless device *is within a predetermined distance from the facility communication system*, sending a request for user specific information from the facility communication system to the personal wireless device *in response to recognizing the presence of the wireless device when the user enters the establishment*, retrieving the user specific information, sending the user specific information from the personal wireless device to the facility communication system, comparing the user specific information to predetermined criteria, sending a targeted electronic communication to the wireless device corresponding to the user specific information, and displaying the targeted electronic communication at the wireless device so that the communication may be used by the user while present in the commercial establishment.

Such invention is believed patentable over the cited references. In particular, none of the applied references show a system and method whereby the presence of the wireless device is recognized *when the user enters a commercial establishment*, and a targeted electronic communication is sent by a facility communication system in a commercial establishment to a

personal wireless device *in response to the user and wireless device entering the establishment*, the communication being based on user specific information from the wireless device and a comparison of that information to predetermined criteria, and the targeted communication being displayed so that the communication may be used by the user while present in the establishment.

Hudda, the principal reference, discloses two arrangements for communicating with a consumer having a wireless device. In one arrangement (Figs. 2-5C), the consumer is already within the store, and then logs into a system. The consumer enters the UPC code of products and then gets information from the merchant as to those products. In the other arrangement (Fig. 6), the consumer is in a geographical area, logs into the system, enters product information, and the system identifies nearby store locations where the products may be purchased. Neither arrangement recognizes *when the consumer enters a store or commercial establishment*, as in claim 18. In addition, **Hudda** does not disclose *sending a request for user specific information from the facility communication system to the personal wireless device*, *retrieving the user specific information*, and then *sending the user specific information from the personal wireless device to the facility communication system*, as also recited in claim 18.

The Examiner has combined **Hudda** with **Laor** and **Ludtke**. The Examiner cites **Laor** for its teaching of “sending a request for a user specific information from a server to a client and retrieving specific information (col. 1, lines 29-35),” and cites **Ludtke** for its teaching of “when a customer has an e-coupon stored in the PDA, the PDA can alert the user wherever he or she enters a store carrying the product covered by the coupon [0054]” (see page 3 of the Examiner’s Remarks).

Laor teaches the use of a cookie which recognizes a user that has previously entered a website (server) and thereafter provides customized information in subsequent visits by the user to the website (col. 1, lines 35-44).

Ludtke teaches a PDA 10 that receives broadcasted product information when a user enters a store 50. The broadcasted product information relates to products that can be found

in the store. The broadcasted information is compared to a shopping list 16 maintained in the PDA. If the PDA has an electronic coupon for one of the products in the store, the PDA can alert the user (paragraphs 0029, 0030 and 0054).

However, none of the reference discloses the recognition of the presence of a user and his/her wireless device when entering a commercial establishment, and interaction with the user to deliver targeted communications. Rather, in each reference, the user either initiates contact or passively receives information (without interaction). In **Hudda**, the user logs into the system after the user is in the store. In **Laor**, the user initiates contact with a website in order to receive information and a cookie from a server. In **Ludtke**, a store system transmits product information to *any* PDA entering or otherwise in the store, but does not recognize the PDA or interact with the PDA (either when it is in the store or after it has received broadcasted product information).

Accordingly, none of the references disclose, teach or suggest, either alone or as combined, the claimed features of “recognizing the presence of the personal wireless device when the user enters the commercial establishment” or “sending a request for user specific information from the facility communication system” in response to “recognizing the presence of the personal wireless device” and after the user and personal wireless device are within the commercial establishment, as recited in claim 18.

The Examiner appears to argue that recognizing the presence of a wireless device is taught or motivated in light of **Laor** at col. 1, lines 32-35, and **Ludtke** at paragraph 0054 (see page 4 of the Examiner’s Remarks). Applicants find no such teaching or motivation.

Applicants continue to believe, in fact, that the cited references teach away from the claimed invention. **Hudda** and **Laor** require the user to initiate the process and log into the system before information is requested. Such an arrangement would eliminate the advantages achieved by Applicants’ invention where communications are not initiated by the user, but rather by the facility communication system sensing when the user and personal wireless device enter

the commercial establishment. **Ludtke** requires the user to have pre-loaded shopping lists and coupons, which necessarily requires the user to select products before entering the store, rather than the store communications system advantageously selecting and sending targeted communications based on user specific information provided by the user's personal wireless device (as in Applicants' invention).

Independent claim 43 recites a system with features similar to claim 18. Claim 43, and the claims which depend from claims 18 and 43, are believed allowable for at least the same reasons as stated above.

Conclusion

In view of the foregoing, Applicants believe all claims now pending in this application are in condition for allowance and an action to that end is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 303-571-4000.

Respectfully submitted,

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